

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW NELSON TUNSTALL,

Defendant.

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CRIMINAL NO. A-21-CR-223-LY

**AFFIDAVIT IN SUPPORT OF UNITED STATES OF AMERICA'S
MOTION FOR ENTRY OF MONEY JUDGMENT**

I, Susan E. Ball, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I make this affidavit in support of the United States' Motion for Entry of Money Judgment.

2. I am employed as a Forensic Accountant with the Federal Bureau of Investigation and have been so employed since 2004. I am assigned to the San Antonio Division of the FBI and have participated in the investigation of financial crimes, including financial institution fraud, health care fraud, wire and mail fraud, corporate and securities fraud and mortgage fraud.

3. In the course of my duties, I have received training in criminal forensic accounting and fraud examination of complex financial crimes. I am certified by the Association of Certified Fraud Examiners.

4. In support of the below referenced investigation, I conducted an analysis of financial accounts in the custody and control of Matthew TUNSTALL related to his involvement in the Liberty Action Group Political Action Committee (LAGPAC) and Progressive Priorities Political Action Committee (PPP). My analysis included but was not limited to review of account transactions, tracing of funds between PAC accounts and accounts controlled by TUNSTALL, and

the identification of other accounts controlled by TUNSTALL. I reviewed records to include account creation documents and signature card documents to confirm TUNSTALL had custody and control of the accounts attributed to him below.

INVESTIGATION

5. Beginning approximately July 2016, the FBI has been investigating the members and activities of LAGPAC and PPP. The evidence collected indicates that TUNSTALL, Robert REYES, and Kyle DAVIES engaged in a scheme to create and operate these two PACs to fraudulently solicit and obtain nearly \$4 million from unwitting donors based on false and misleading representations.

6. The investigation revealed that TUNSTALL, REYES, and others founded and operated LAGPAC and PPP. The two PACs used robocalls, radio advertisements, direct mailings, and other means to contact victims across the country and falsely represent that the victims' contributions would be used to support the election of Donald Trump, Hillary Clinton, and other candidates of both major political parties in and around the 2016 election period and afterward. TUNSTALL, REYES, and others created misleading content for these solicitations in order to trick and deceive potential contributors who, upon receiving the advertisements, contributed to the PACs.

FINANCIAL ANALYSIS

7. The financial review indicated that the conspirators used the funds they acquired through the scheme to pay for additional fraudulent advertisements and robocalls soliciting donations, to enrich themselves, and to support their independent business ventures. No significant portion of the funds raised by LAGPAC and PPP appear to have been spent as contributions to any

political candidate or campaign, despite representations to the donors that their funds would be used to support the election of various candidates for public office.

8. The financial review further indicated that the conspirators used one of LAGPAC's and PPP's vendors, SmartCall Media, to launder some of these fraudulently obtained funds by deliberately overpaying tens of thousands of dollars to the vendor on multiple occasions, then instructing the vendor to wire these excess funds to accounts controlled by TUNSTALL or REYES.

9. As part of my financial analysis, I reviewed transactions for the following accounts:

Bank	Account	Name
Wells Fargo	x-8156	Liberty Action Group LLC
Wells Fargo	x-6823	Progressive Properties LLC
JP Morgan Chase	x-8111	Progressive Priorities LLC
JP Morgan Chase	x-5868	SmartCall Media
Wells Fargo	x-3932	Modern Media Group LLC
Citibank	x-8422	Matte Media Creations Inc.
JP Morgan Chase	x-6868	Supreme Dream Media LLC

10. More specifically, an analysis of the Liberty Action Group LLC, Wells Fargo account x-8156 identified a series of transactions between March 2016 and March 2017 from the Liberty Action Group LLC account to the Matte Media Creations Citibank account x-8422, an account controlled by TUNSTALL. These transfers consisted of \$482,700 in Automated Clearing House (ACH) transfers and one \$10,000 wire transfer for a total of \$492,700.

11. Additional analysis of the Liberty Action Group LLC, Wells Fargo account x-8156 identified a series of ACH transfers between June and September 2016 to Supreme Dream Media LLC JP Morgan Chase account x-6868 totaling \$119,118. This JP Morgan Chase account x-6868 was also controlled by TUNSTALL.


12. Analysis of the SmartCall Media JP Morgan Chase account x-5868 identified a series of ACH transfers in June and July 2016 to Supreme Dream Media LLC JP Morgan Chase account x-6868 totaling \$80,000. From the investigation, I understood these funds from SmartCall Media were the result of overpayment from PPP from the Progressive Priorities LLC JP Morgan Chase account x-8111.

13. Additional analysis of the SmartCall Media JP Morgan Chase account x-5868 identified a series of ACH transfers between February and April 2017 to the Matte Media Creations Citibank account x-8422 totaling \$98,000. From the investigation, I understood these funds from SmartCall Media were the result of overpayment from PPP from the Progressive Properties LLC Wells Fargo account x-6823.

14. In summary, I identified a total of \$789,818 transferred from LAGPAC and PPP to accounts controlled by TUNSTALL, directly and indirectly, as summarized below:

Date Range	From	To	Amount
March 2016 to March 2017	Liberty Action Group LLC (WF x-8156)	Matte Media Creations (Citi x-8422)	\$ 492,700.00
June to September 2016	Liberty Action Group LLC (WF x-8156)	Supreme Dream Media LLC (JPMC x-6868)	\$ 119,118.00
June to July 2016	SmartCall Media (JPMC x-5868)	Supreme Dream Media LLC (JPMC x-6868)	\$ 80,000.00
February to April 2017	SmartCall Media (JPMC x-5868)	Matte Media Creations (Citi x-8422)	\$ 98,000.00
			\$ 789,818.00

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 7, 2023.


 Susan E. Ball
 Forensic Accountant
 Federal Bureau of Investigation